

96TH CONGRESS
2D SESSION

H. R. 7540

To improve the Federal judicial machinery by clarifying and revising certain provisions of title 28, United States Code, relating to the judiciary and judicial review of international trade matters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 1980

Mr. RODINO introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To improve the Federal judicial machinery by clarifying and revising certain provisions of title 28, United States Code, relating to the judiciary and judicial review of international trade matters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Customs Courts Act of
4 1980".

1 TITLE I—COMPOSITION OF THE COURT OF IN-
2 TERNATIONAL TRADE AND ASSIGNMENT OF
3 JUDGES TO OTHER COURTS

4 COMPOSITION OF COURT

5 SEC. 101. Section 251 of title 28, United States Code,
6 is amended to read as follows:

7 “§ 251. **Appointment and number of judges; offices**

8 “(a) The President shall appoint, by and with the advice
9 and consent of the Senate, nine judges who shall constitute a
10 court of record to be known as the United States Court of
11 International Trade. Not more than five of such judges shall
12 be from the same political party. The court is a court estab-
13 lished under article III of the Constitution of the United
14 States.

15 “(b) The President shall designate one of the judges of
16 the Court of International Trade who is less than seventy
17 years of age to serve as chief judge. The chief judge shall
18 continue to serve as chief judge until he reaches the age of
19 seventy years and another judge is designated as chief judge
20 by the President. After the designation of another judge to
21 serve as chief judge, the former chief judge may continue to
22 serve as a judge of the court.

23 “(c) The offices of the Court of International Trade shall
24 be located in New York, New York.”

ASSIGNMENT OF JUDGES

SEC. 102. (a) Section 293(b) of title 28, United States Code, is amended by striking out "Customs Court" and all that follows through "need arises" and inserting in lieu thereof "Court of International Trade to perform judicial duties in any circuit, either in a court of appeals or district court, upon presentation of a certificate of necessity by the chief judge or circuit justice of the circuit in which the need arises".

(b) Section 293(d) of title 28, United States Code, is amended to read as follows:

"(d) The chief judge of the Court of International Trade may, upon presentation to him of a certificate of necessity by the chief judge of the Court of Appeals for International Trade, Patents, and Trademarks or the chief judge of the Court of Claims, designate and assign temporarily any judge of the Court of International Trade to serve as a judge of the Court of Appeals for International Trade, Patents, and Trademarks or the Court of Claims."

TITLE II—JURISDICTION OF THE COURT OF

INTERNATIONAL TRADE

JURISDICTION OF THE COURT

SEC. 201. Chapter 95 of title 28, United States Code, is amended to read as follows:

1 **“CHAPTER 95—COURT OF INTERNATIONAL TRADE**

“Sec.

“1581. Civil actions against the United States and agencies and officers thereof.

“1582. Civil actions commenced by the United States.

“1583. Counterclaims, cross-claims, and third-party actions.

“1584. Cure of defects.

“1585. Powers in law and equity.

2 **“§1581. Civil actions against the United States and agen-** 3 **cies and officers thereof**

4 “(a) The Court of International Trade shall have exclu-
5 sive jurisdiction of any civil action commenced by any person
6 whose protest under section 515 of the Tariff Act of 1930
7 has been denied, in whole or in part.

8 “(b) The Court of International Trade shall have exclu-
9 sive jurisdiction of any civil action commenced under section
10 516 of the Tariff Act of 1930.

11 “(c) The Court of International Trade shall have exclu-
12 sive jurisdiction of any civil action commenced under section
13 516A of the Tariff Act of 1930.

14 “(d) The Court of International Trade shall have exclu-
15 sive jurisdiction of any civil action commenced to review any
16 final determination of the Secretary of Labor or the Secretary
17 of Commerce certifying or refusing to certify workers, com-
18 munities, or firms as eligible for adjustment assistance under
19 the Trade Act of 1974.

20 “(e) The Court of International Trade shall have exclu-
21 sive jurisdiction of any civil action commenced to review any

1 final determination of the Secretary of the Treasury under
2 section 305(b)(1) of the Trade Agreements Act of 1979.

3 “(f) The Court of International Trade shall have exclu-
4 sive jurisdiction of any civil action involving an application
5 for an order directing the administering authority or the In-
6 ternational Trade Commission to make confidential informa-
7 tion available under section 777(c)(2) of the Tariff Act of
8 1930.

9 “(g) The Court of International Trade shall have exclu-
10 sive jurisdiction to review—

11 “(1) any decision of the Secretary of the Treasury
12 to deny or revoke a customhouse broker’s license
13 under section 641(a) of the Tariff Act of 1930; and

14 “(2) any order of the Secretary of the Treasury to
15 revoke or suspend a customhouse broker’s license
16 under section 641(b) of the Tariff Act of 1930.

17 “(h) The Court of International Trade shall have exclu-
18 sive jurisdiction to review, prior to the importation of the
19 goods involved, a ruling issued by the Secretary of the Treas-
20 ury, or a refusal to issue or change such a ruling, relating to
21 classification, valuation, rate of duty, marking, restricted
22 merchandise, entry requirements, drawbacks, vessel repairs,
23 or similar matters, but only if the party commencing the civil
24 action demonstrates to the court that he would be irreparably

1 harmed unless given an opportunity to obtain judicial review
2 prior to such importation.

3 “(i) In addition to the jurisdiction conferred upon the
4 Court of International Trade by subsections (a) through (h) of
5 this section and subject to the exception set forth in subsec-
6 tion (j) of this section, the Court of International Trade shall
7 have exclusive jurisdiction of any civil action against the
8 United States, its agencies, or its officers, which—

9 “(1) arises directly out of an import transaction;
10 and

11 “(2)(A) involves the Tariff Act of 1930, the Trade
12 Expansion Act of 1962, the Trade Act of 1974, or the
13 Trade Agreements Act of 1979; or

14 “(B) directly and substantially involves interna-
15 tional trade and involves a provision of—

16 “(i) the Constitution of the United States;

17 “(ii) a treaty of the United States;

18 “(iii) an executive agreement executed by the
19 President; or

20 “(iv) an Executive order of the President.

21 “(j) The Court of International Trade shall not have
22 jurisdiction of any civil action arising under section 305 of
23 the Tariff Act of 1930.

1 **“§ 1582. Civil actions commenced by the United States**

2 “The Court of International Trade shall have exclusive
3 jurisdiction of any civil action which arises out of an import
4 transaction and which is commenced by the United States—

5 “(1) to recover a civil penalty under section 592,
6 704(i)(2), or 734(i)(2) of the Tariff Act of 1930;

7 “(2) to recover upon a bond relating to the impor-
8 tation of merchandise required by the laws of the
9 United States or by the Secretary of the Treasury; or

10 “(3) to recover customs duties.

11 **“§ 1583. Counterclaims, cross-claims, and third-party ac-**
12 **tions**

13 “In any civil action in the Court of International Trade,
14 the court shall have exclusive jurisdiction to render judgment
15 upon any counterclaim, cross-claim, or third-party action of
16 any party, if (1) such claim or action involves the imported
17 merchandise that is the subject matter of such civil action, or
18 (2) such claim or action is to recover upon a bond or customs
19 duties relating to such merchandise.

20 **“§ 1584. Cure of defects**

21 “(a) If a civil action within the exclusive jurisdiction of
22 the Court of International Trade is commenced in a district
23 court of the United States, the district court shall, in the
24 interest of justice, transfer such civil action to the Court of
25 International Trade, where such action shall proceed as if it

1 had been commenced in the Court of International Trade in
2 the first instance.

3 “(b) If a civil action within the exclusive jurisdiction of a
4 district court, a court of appeals, or the Court of Appeals for
5 International Trade, Patents, and Trademarks is commenced
6 in the Court of International Trade, the Court of Interna-
7 tional Trade shall, in the interest of justice, transfer such civil
8 action to the appropriate district court or court of appeals or
9 to the Court of Appeals for International Trade, Patents, and
10 Trademarks, where such action shall proceed as if it had
11 been commenced in such court in the first instance.

12 **“§ 1585. Powers in law and equity**

13 “The Court of International Trade shall possess all the
14 powers in law and equity of, or as conferred by statute upon,
15 a district court of the United States.”.

16 **TITLE III—COURT OF INTERNATIONAL TRADE**
17 **PROCEDURE**

18 **COURT PROCEDURE**

19 **SEC. 301.** Chapter 169 of title 28, United States Code,
20 is amended to read as follows:

21 **“CHAPTER 169—COURT OF INTERNATIONAL TRADE**
22 **PROCEDURE**

“Sec.

“2631. Persons entitled to commence a civil action.

“2632. Commencement of a civil action.

“2633. Procedure and fees.

“2634. Notice.

“2635. Filing of official documents.

“2636. Time for commencement of action.

- “2637. Exhaustion of administrative remedies.
- “2638. New grounds in support of a civil action.
- “2639. Burden of proof; evidence of value.
- “2640. Scope and standard of review.
- “2641. Witnesses; inspection of documents.
- “2642. Analysis of imported merchandise.
- “2643. Relief.
- “2644. Interest.
- “2645. Decisions.
- “2646. Retrial or rehearing.
- “2647. Precedence of cases.

1 **“§ 2631. Persons entitled to commence a civil action**

2 “(a) A civil action contesting the denial, in whole or in
 3 part, of a protest under section 515 of the Tariff Act of 1930
 4 may be commenced in the Court of International Trade by
 5 the person who filed the protest pursuant to section 514 of
 6 such Act, or by a surety of such person in the transaction
 7 which is the subject of the protest.

8 “(b) A civil action contesting the denial of a petition
 9 under section 516 of the Tariff Act of 1930 may be com-
 10 menced in the Court of International Trade by the domestic
 11 interested party who filed such petition.

12 “(c) A civil action contesting a determination listed in
 13 section 516A of the Tariff Act of 1930 may be commenced in
 14 the Court of International Trade by any interested party who
 15 was a party to the proceeding in connection with which the
 16 matter arose.

17 “(d) A civil action to review a final determination made
 18 under section 305(b)(1) of the Trade Agreements Act of 1979
 19 may be commenced in the Court of International Trade by

1 any person who was a party-at-interest with respect to such
2 determination.

3 “(e) A civil action involving an application for the issu-
4 ance of an order directing the administering authority or the
5 International Trade Commission to make confidential infor-
6 mation available under section 777(c)(2) of the Tariff Act of
7 1930 may be commenced in the Court of International Trade
8 by any interested party whose application for disclosure of
9 such confidential information was denied under section
10 777(c)(1) of such Act.

11 “(f)(1) A civil action to review any decision of the Secre-
12 tary of the Treasury to deny or revoke a customhouse bro-
13 ker’s license under section 641(a) of the Tariff Act of 1930
14 may be commenced in the Court of International Trade by
15 the person whose license was denied or revoked.

16 “(2) A civil action to review any order of the Secretary
17 of the Treasury to revoke or suspend a customhouse broker’s
18 license under section 641(b) of the Tariff Act of 1930 may be
19 commenced in the Court of International Trade by the person
20 whose license was revoked or suspended.

21 “(g) A civil action described in section 1581(h) of this
22 title may be commenced in the Court of International Trade
23 by the person who would have standing to bring a civil action
24 under section 1581(a) of this title if he imported the goods

1 involved and filed a protest which was denied, in whole or in
2 part, under section 515 of the Tariff Act of 1930.

3 “(h) Any civil action of which the Court of International
4 Trade has jurisdiction, other than an action specified in sub-
5 sections (a) through (g) of this section, may be commenced in
6 the court by any person adversely affected or aggrieved by
7 agency action within the meaning of section 702 of title 5.

8 “(i)(1) Any person who would be adversely affected or
9 aggrieved by a decision in a civil action pending in the Court
10 of International Trade may, by leave of court, intervene in
11 such action, except that—

12 “(A) no person may intervene in a civil action
13 under section 515 or 516 of the Tariff Act of 1930;

14 “(B) in a civil action under section 516A of the
15 Tariff Act of 1930, only an interested party who was a
16 party to the proceeding in connection with which the
17 matter arose may intervene, and such person may in-
18 tervene as a matter of right; and

19 “(C) in a civil action under section 777(c)(2) of
20 the Tariff Act of 1930, only a person who was a party
21 to the investigation may intervene, and such person
22 may intervene as a matter of right.

23 “(2) In those civil actions in which intervention is by
24 leave of court, the Court of International Trade shall consid-

1 er whether the intervention will unduly delay or prejudice the
2 adjudication of the rights of the original parties.

3 “(j) In this section—

4 “(1) ‘interested party’ means—

5 “(A) a foreign manufacturer, producer, or ex-
6 porter, or the United States importer, of merchan-
7 dise which is the subject of an investigation under
8 title VII of the Tariff Act of 1930, or a trade or
9 business association a majority of the members of
10 which are importers of such merchandise;

11 “(B) the government of a country in which
12 such merchandise is produced or manufactured;

13 “(C) a manufacturer, producer, or wholesaler
14 in the United States of a like product;

15 “(D) a certified union or recognized union or
16 group of workers which is representative of an in-
17 dustry engaged in the manufacture, production, or
18 wholesale in the United States of a like product;
19 and

20 “(E) a trade or business association a major-
21 ity of whose members manufacture, produce, or
22 wholesale a like product in the United States;

23 “(2) ‘domestic interested party’ means an inter-
24 ested party as defined in subparagraphs (C), (D), and
25 (E) of paragraph (1) of this subsection;

1 “(3) ‘party-at-interest’ means—

2 “(A) a foreign manufacturer, producer, or ex-
3 porter, or a United States importer, of merchan-
4 dise which is the subject of a final determination
5 under section 305(b)(1) of the Trade Agreements
6 Act of 1979;

7 “(B) a manufacturer, producer, or wholesaler
8 in the United States of a like product;

9 “(C) United States members of a labor orga-
10 nization or other association of workers whose
11 members are employed in the manufacture, pro-
12 duction, or wholesale in the United States of a
13 like product; and

14 “(D) a trade or business association a major-
15 ity of whose members manufacture, produce, or
16 wholesale a like product in the United States; and

17 “(4) ‘like product’ means a product which is like,
18 or in the absence of like, most similar in characteristics
19 and uses with, the article subject to an investigation
20 under title VII of the Tariff Act of 1930 or a final de-
21 termination under section 305(b)(1) of the Trade
22 Agreements Act of 1979, as the case may be.

23 **“§ 2632. Commencement of a civil action**

24 “(a) Except for civil actions specified in subsections (b)
25 and (c) of this section, a civil action in the Court of Interna-

1 tional Trade shall be commenced by filing concurrently with
2 the clerk of the court a summons and complaint, with the
3 content and in the form, manner, and style prescribed by the
4 rules of the court.

5 “(b) A civil action in the Court of International Trade
6 under section 515 or section 516 of the Tariff Act of 1930
7 shall be commenced by filing with the clerk of the court a
8 summons, with the content and in the form, manner, and
9 style prescribed by the rules of the court.

10 “(c) A civil action in the Court of International Trade
11 under section 516A of the Tariff Act of 1930 shall be com-
12 menced by filing with the clerk of the court a summons or a
13 summons and a complaint, as prescribed in such section, with
14 the content and in the form, manner, and style prescribed by
15 the rules of the court.

16 “(d) The Court of International Trade may prescribe by
17 rule that any summons, pleading, or other paper mailed by
18 registered or certified mail properly addressed to the clerk of
19 the court with the proper postage affixed and return receipt
20 requested shall be deemed filed as of the date of mailing.

21 **“§ 2633. Procedure and fees**

22 “(a) A filing fee shall be payable to the clerk of the
23 Court of International Trade upon the commencement of a
24 civil action in such court. The amount of the fee shall be
25 prescribed by the rules of the court, but shall be not less than

1 \$5 nor more than the filing fee for commencing a civil action
2 in a district court of the United States. The court may fix all
3 other fees to be charged by the clerk of the court.

4 “(b) The Court of International Trade shall prescribe
5 rules governing the summons, pleadings, and other papers,
6 for their amendment, service, and filing, for consolidations,
7 severances, suspensions of cases, and for other procedural
8 matters.

9 “(c) All summons, pleadings, and other papers filed in
10 the Court of International Trade shall be served on all par-
11 ties in accordance with rules prescribed by the court. When
12 the United States, its agencies, or its officers are adverse
13 parties, service of the summons shall be made upon the At-
14 torney General and the head of the Government agency
15 whose action is being contested. When injunctive relief is
16 sought, the summons, pleadings, and other papers shall also
17 be served upon the named officials sought to be enjoined.

18 **“§ 2634. Notice**

19 “Reasonable notice of the time and place of trial or
20 hearing before the Court of International Trade shall be
21 given to all parties to any civil action, as prescribed by the
22 rules of the court.

23 **“§ 2635. Filing of official documents**

24 “(a)(1) Upon service of the summons on the Secretary of
25 the Treasury in any civil action contesting the denial of a

1 protest under section 515 of the Tariff Act of 1930 or the
2 denial of a petition under section 516 of such Act, the appro-
3 priate customs officer shall forthwith transmit to the clerk of
4 the Court of International Trade, as prescribed by its rules,
5 and as a part of the official record—

6 “(A) the consumption or other entry and the entry
7 summary;

8 “(B) the commercial invoice;

9 “(C) the special customs invoice;

10 “(D) a copy of the protest or petition;

11 “(E) a copy of the denial, in whole or in part, of
12 the protest or petition;

13 “(F) the importer’s exhibits;

14 “(G) the official and other representative samples;

15 “(H) any official laboratory reports; and

16 “(I) a copy of any bond relating to the entry.

17 “(2) If any of the items listed in paragraph (1) of this
18 subsection do not exist in a particular civil action, an affirma-
19 tive statement to that effect shall be transmitted to the clerk
20 of the court.

21 “(b)(1) In any civil action commenced in the Court of
22 International Trade under section 516A of the Tariff Act of
23 1930, within forty days or within such other period of time as
24 the court may specify, after the date of service of a complaint
25 on the administering authority established to administer title

1 VII of the Tariff Act of 1930 or the United States Interna-
 2 tional Trade Commission, the administering authority or the
 3 Commission shall transmit to the clerk of the court the record
 4 of such action, as prescribed by the rules of the court. The
 5 record shall, unless otherwise stipulated by the parties, con-
 6 sist of—

7 “(A) a copy of all information presented to or ob-
 8 tained by the administering authority or the Commis-
 9 sion during the course of the administrative proceed-
 10 ings, including all governmental memoranda pertaining
 11 to the case and the record of ex parte meetings re-
 12 quired to be maintained by section 777(a)(3) of the
 13 Tariff Act of 1930; and

14 “(B)(i) a copy of the determination and the facts
 15 and conclusions of law upon which such determination
 16 was based, (ii) all transcripts or records of conferences
 17 or hearings, and (iii) all notices published in the Fed-
 18 eral Register.

19 “(2) The administering authority or the Commission
 20 shall identify and transmit under seal to the clerk of the court
 21 any document, comment, or information that is accorded con-
 22 fidential or privileged status by the Government agency
 23 whose action is being contested and that is required to be
 24 transmitted to the clerk under paragraph (1) of this subsec-
 25 tion. Any such document, comment, or information shall be

1 accompanied by a nonconfidential description of the nature of
2 the material being transmitted. The confidential or privileged
3 status of such material shall be preserved in the civil action,
4 but the court may examine the confidential or privileged ma-
5 terial in camera and may make such material available under
6 such terms and conditions as the court may order.

7 “(c) Within fifteen days, or within such other period of
8 time as the Court of International Trade may specify, after
9 service of a summons and complaint in a civil action involv-
10 ing an application for an order directing the administering
11 authority or the International Trade Commission to make
12 confidential information available under section 777(c)(2) of
13 the Tariff Act of 1930, the administering authority or the
14 Commission shall transmit under seal to the clerk of the
15 Court of International Trade, as prescribed by its rules, the
16 confidential information involved, together with pertinent
17 parts of the record. Such information shall be accompanied
18 by a nonconfidential description of the nature of the informa-
19 tion being transmitted. The confidential status of such infor-
20 mation shall be preserved in the civil action, but the court
21 may examine the confidential information in camera and may
22 make such information available under a protective order
23 consistent with section 777(c)(2) of the Tariff Act of 1930.

24 “(d)(1) In any other civil action in the Court of Interna-
25 tional Trade in which judicial review is to proceed upon the

1 basis of the record made before an agency, the agency shall,
2 within forty days or within such other period of time as the
3 court may specify, after the date of service of the summons
4 and complaint upon the agency, transmit to the clerk of the
5 court, as prescribed by its rules—

6 “(A) a copy of the contested determination and
7 the findings or report upon which such determination
8 was based;

9 “(B) a copy of any reported hearings or confer-
10 ences conducted by the agency; and

11 “(C) any documents, comments, or other papers
12 filed by the public, interested parties, or governments
13 with respect to the agency’s action.

14 “(2) The agency shall identify and transmit under seal
15 to the clerk of the court any document, comment, or other
16 information that was obtained on a confidential basis and that
17 is required to be transmitted to the clerk under paragraph (1)
18 of this subsection. Any such document, comment, or informa-
19 tion shall include a nonconfidential description of the nature
20 of the material being transmitted. The confidential or privi-
21 leged status of such material shall be preserved in the civil
22 action, but the court may examine such material in camera
23 and may make such material available under such terms and
24 conditions as the court may order.

1 “(3) The parties may stipulate that fewer documents,
2 comments, or other information than those specified in para-
3 graph (1) of this subsection shall be transmitted to the clerk
4 of the court.

5 **“§ 2636. Time for commencement of action**

6 “(a) A civil action contesting the denial, in whole or in
7 part, of a protest under section 515 of the Tariff Act of 1930
8 is barred unless commenced in accordance with the rules of
9 the Court of International Trade—

10 “(1) within one hundred and eighty days after the
11 date of mailing of notice of denial of a protest under
12 section 515(a) of such Act; or

13 “(2) within one hundred and eighty days after the
14 date of denial of a protest by operation of law under
15 the provisions of section 515(b) of such Act.

16 “(b) A civil action contesting the denial of a petition
17 under section 516 of the Tariff Act of 1930 is barred unless
18 commenced in accordance with the rules of the Court of In-
19 ternational Trade within thirty days after the date of mailing
20 of a notice pursuant to section 516(c) of such Act.

21 “(c) A civil action contesting a reviewable determination
22 listed in section 516A of the Tariff Act of 1930, other than a
23 determination under section 703(c) or 733(c) of such Act, is
24 barred unless commenced in accordance with the rules of the
25 Court of International Trade within thirty days after the date

1 of the publication of such determination in the Federal
2 Register.

3 “(d) A civil action contesting a determination by the
4 administering authority under section 703(c) or 733(c) of the
5 Tariff Act of 1930 that a case is extraordinarily complicated
6 is barred unless commenced in accordance with the rules of
7 the Court of International Trade within ten days after the
8 date of the publication of such determination in the Federal
9 Register.

10 “(e) A civil action contesting a final determination of the
11 Secretary of Labor or the Secretary of Commerce certifying
12 or refusing to certify workers, communities, or firms as eligi-
13 ble for adjustment assistance under the Trade Act of 1974 is
14 barred unless commenced in accordance with the rules of the
15 Court of International Trade within sixty days after the date
16 of notice of such determination.

17 “(f) A civil action contesting a final determination made
18 under section 305(b)(1) of the Trade Agreements Act of 1979
19 is barred unless commenced in accordance with the rules of
20 the Court of International Trade within thirty days after the
21 date of the publication of such determination in the Federal
22 Register.

23 “(g) A civil action involving an application for the issu-
24 ance of an order making confidential information available
25 under section 777(c)(2) of the Tariff Act of 1930 is barred

1 unless commenced in accordance with the rules of the Court
2 of International Trade within ten days after the date of the
3 denial of the request for such confidential information.

4 “(h) A civil action contesting the denial or revocation by
5 the Secretary of the Treasury of a customhouse broker’s li-
6 cense under section 641(a) of the Tariff Act of 1930 or the
7 revocation or suspension by such Secretary of a customhouse
8 broker’s license under section 641(b) of such Act is barred
9 unless commenced in accordance with the rules of the Court
10 of International Trade within sixty days after the date of the
11 entry of the decision or order of such Secretary.

12 “(i) A civil action of which the Court of International
13 Trade has jurisdiction under section 1581 of this title, other
14 than an action specified in subsections (a) through (h) of this
15 section, is barred unless commenced in accordance with the
16 rules of the court within two years after the cause of action
17 first accrues.

18 **“§ 2637. Exhaustion of administrative remedies**

19 “(a) A civil action contesting the denial of a protest
20 under section 515 of the Tariff Act of 1930 may be com-
21 menced only if all liquidated duties, charges, or exactions
22 have been paid at the time the action is commenced, except
23 that a surety’s obligation to pay such liquidated duties,
24 charges, or exactions is limited to the sum of any bond
25 related to each entry included in the denied protest.

1 “(b) A civil action contesting the denial of a petition
2 under section 516 of the Tariff Act of 1930 may be com-
3 menced only by a person who has first exhausted the proce-
4 dures set forth in such section.

5 “(c) A civil action described in section 1581(h) of this
6 title may be commenced prior to the exhaustion of adminis-
7 trative remedies if the person commencing the action makes
8 the demonstration required by such section.

9 “(d) In any civil action not specified in this section, the
10 Court of International Trade shall, where appropriate, re-
11 quire the exhaustion of administrative remedies.

12 **“§ 2638. New grounds in support of a civil action**

13 “‘In any civil action under section 515 of the Tariff Act
14 of 1930 in which the denial, in whole or in part, of a protest
15 is a precondition to the commencement of a civil action in the
16 Court of International Trade, the court, by rule, may con-
17 sider any new ground in support of the civil action if such
18 new ground—

19 “(1) applies to the same merchandise that was the
20 subject of the protest; and

21 “(2) is related to the same administrative decision
22 listed in section 514 of the Tariff Act of 1930 that was
23 contested in the protest.

1 **“§ 2639. Burden of proof; evidence of value**

2 “(a)(1) Except as provided in paragraph (2) of this sub-
3 section, in any civil action commenced in the Court of Inter-
4 national Trade under section 515, 516, or 516A of the Tariff
5 Act of 1930, the decision of the Secretary of the Treasury,
6 the administering authority, or the International Trade Com-
7 mission is presumed to be correct. The burden of proving
8 otherwise shall rest upon the party challenging such decision.

9 “(2) The provisions of paragraph (1) of this subsection
10 shall not apply to any civil action commenced in the Court of
11 International Trade under section 1582 of this title.

12 “(b) In any civil action described in section 1581(h) of
13 this title, the person commencing the action shall have the
14 burden of making the demonstration required by such section
15 by clear and convincing evidence.

16 “(c) Where the value of merchandise or any of its com-
17 ponents is in issue in any civil action in the Court of Interna-
18 tional Trade—

19 “(1) reports or depositions of consuls, customs
20 officers, and other officers of the United States, and
21 depositions and affidavits of other persons whose at-
22 tendance cannot reasonably be had, may be admitted
23 into evidence when served upon the opposing party as
24 prescribed by the rules of the court; and

“(2) price lists and catalogs may be admitted in evidence when duly authenticated, relevant, and material.

“§ 2640. Scope and standard of review

“(a) The Court of International Trade shall make its determinations upon the basis of the record made before the court in the following categories of civil actions:

“(1) Civil actions contesting the denial of a protest under section 515 of the Tariff Act of 1930.

“(2) Civil actions commenced under section 516 of the Tariff Act of 1930.

“(3) Civil actions commenced to review a final determination made under section 305(b)(1) of the Trade Agreements Act of 1979.

“(4) Civil actions commenced under section 777(c)(2) of the Tariff Act of 1930.

“(5) Civil actions commenced to review any decision of the Secretary of the Treasury to deny or revoke a customhouse broker’s license under section 641(a) of the Tariff Act of 1930.

“(6) Civil actions commenced under section 1582 of this title.

“(b) In any civil action commenced in the Court of International Trade under section 516A of the Tariff Act of

1 1930, the court shall review the matter as specified in sub-
2 section (b) of such section.

3 “(c) In any civil action commenced in the Court of In-
4 ternational Trade to review any determination of the Secre-
5 tary of Labor or the Secretary of Commerce certifying or
6 refusing to certify workers, communities, or firms as eligible
7 for assistance under the Trade Act of 1974, the court shall
8 review the matter as specified in section 250 of such Act.

9 “(d) In any civil action not specified in this section, the
10 court shall review the matter as provided in section 706 of
11 title 5.

12 **“§ 2641. Witnesses; inspection of documents**

13 “(a) Except as otherwise provided by law, in any civil
14 action in the Court of International Trade, each party and its
15 counsel shall have an opportunity to introduce evidence, to
16 hear and cross-examine the witnesses of the other party, and
17 to inspect all samples and papers admitted or offered as evi-
18 dence, as prescribed by the rules of the court. Except as
19 provided in section 2639 of this title, subsection (b) of this
20 section, or the rules of the court, the Federal Rules of Evi-
21 dence shall apply to all civil actions in the Court of Interna-
22 tional Trade.

23 “(b) The Court of International Trade may order that
24 trade secrets and commercial or financial information which
25 is privileged and confidential, or any information provided to

1 the United States by any foreign government or foreign
2 person, may be disclosed to a party, its counsel, or any other
3 person under such terms and conditions as the court may
4 order.

5 **“§ 2642. Analysis of imported merchandise**

6 “The Court of International Trade may order an analy-
7 sis of imported merchandise and reports thereon by laborato-
8 ries or agencies of the United States.

9 **“§ 2643. Relief**

10 “(a) In any civil action commenced under section 1581
11 or 1582 of this title or in any counterclaim, cross-claim, or
12 third-party action under section 1583 of this title, the Court
13 of International Trade may enter a money judgment for or
14 against the United States.

15 “(b) If the Court of International Trade is unable to
16 determine the correct decision on the basis of the evidence
17 presented in any civil action, the court may order a retrial or
18 rehearing for all purposes, or may order such further admin-
19 istrative or adjudicative procedures as the court considers
20 necessary to enable it to reach the correct decision.

21 “(c)(1) Except as provided in paragraphs (2), (3), and (4)
22 of this subsection, the Court of International Trade may, in
23 addition to the orders specified in subsections (a) and (b) of
24 this section, order any other form of relief that is appropriate
25 in a civil action, including, but not limited to, declaratory

1 judgments, orders of remand, injunctions, and writs of man-
2 damus and prohibition.

3 “(2) The Court of International Trade may not grant an
4 injunction or issue a writ of mandamus in any civil action
5 commenced to review any final determination of the Secre-
6 tary of Labor or the Secretary of Commerce certifying or
7 refusing to certify workers, communities, or firms as eligible
8 for adjustment assistance under the Trade Act of 1974.

9 “(3) In any civil action involving an application for the
10 issuance of an order directing the administering authority or
11 the International Trade Commission to make confidential in-
12 formation available under section 777(c)(2) of the Tariff Act
13 of 1930, the Court of International Trade may issue an order
14 of disclosure only with respect to the information specified in
15 such section.

16 “(4) In any civil action described in section 1581(h) of
17 this title, the Court of International Trade may only order
18 the appropriate declaratory relief.

19 “(d) If a surety commences a civil action in the Court of
20 International Trade, such surety shall recover only the
21 amount of the liquidated duties, charges, or exactions paid on
22 the entries included in such action. The excess amount of any
23 recovery shall be paid to the importer of record.

1 **“§ 2644. Interest**

2 “If, in a civil action in the Court of International Trade
3 under section 515 of the Tariff Act of 1930, the plaintiff
4 obtains monetary relief by a judgment or under a stipulation
5 agreement, interest shall be allowed at an annual rate estab-
6 lished under section 6621 of the Internal Revenue Code of
7 1954. Such interest shall be calculated from the date of the
8 filing of the summons in such action to the date of the refund.

9 **“§ 2645. Decisions**

10 “(a) A final decision of the Court of International Trade
11 in a contested civil action or a decision granting or refusing a
12 preliminary injunction shall be supported by—

13 “(1) a statement of findings of fact and conclu-
14 sions of law; or

15 “(2) an opinion stating the reasons and facts upon
16 which the decision is based.

17 “(b) After the Court of International Trade has rendered
18 a judgment, the court may, upon the motion of a party or
19 upon its own motion, amend its findings or make additional
20 findings and may amend the decision and judgment accord-
21 ingly. A motion of a party or the court shall be made not
22 later than thirty days after the date of entry of the judgment.

23 “(c) A decision of the Court of International Trade is
24 final and conclusive, unless a retrial or rehearing is granted
25 pursuant to section 2646 of this title or an appeal is taken to

1 the Court of Appeals for International Trade, Patents, or
2 Trademarks within the time and in the manner provided in
3 section 2601 of this title.

4 **“§ 2646. Retrial or rehearing**

5 “After the Court of International Trade has rendered a
6 judgment or order, the court may, upon the motion of a party
7 or upon its own motion, grant a retrial or rehearing, as the
8 case may be. A motion of a party or the court shall be made
9 not later than thirty days after the date of entry of the judg-
10 ment or order.

11 **“§ 2647. Precedence of cases**

12 “The following civil actions in the Court of Interna-
13 tional Trade shall be given precedence, in the following
14 order, over other civil actions pending before the court, and
15 shall be assigned for hearing and expedited in every way:

16 “(1) First, a civil action involving the exclusion of
17 perishable merchandise or the redelivery of such
18 merchandise.

19 “(2) Second, a civil action for the review of a de-
20 termination under section 516A(a)(1)(B) or section
21 516A(a)(1)(E) of the Tariff Act of 1930.

22 “(3) Third, a civil action commenced under sec-
23 tion 515 of the Tariff Act of 1930 involving the exclu-
24 sion or redelivery of merchandise.

6 SEC. 302. (a) Chapter 121 of title 28, United States
7 Code, is amended by adding at the end thereof the following
8 new section:

10 “(a) In any civil action in the Court of International
11 Trade which is to be tried before a jury, the jury shall be
12 selected in accordance with the provisions of this chapter and
13 under the procedures set forth in the jury selection plan of
14 the district court for the judicial district in which the case is
15 to be tried.

“(1) the clerk of the district court for the judicial district in which the Court of International Trade is sitting, or an authorized deputy clerk, shall act as clerk of the Court of International Trade for the purposes of selecting and summoning the jury;

23 “(2) the qualifications for jurors shall be the same
24 as those established by section 1865(b) of this title for
25 jurors in the district courts of the United States;

1 “(3) each party shall be entitled to challenge
2 jurors in accordance with section 1870 of this title; and

3 “(4) jurors shall be compensated in accordance
4 with section 1871 of this title.”.

5 (b) The section analysis for chapter 121 of title 28,
6 United States Code, is amended by adding at the end thereof
7 the following new item:

 “1876. Trial by jury in the Court of International Trade.”.

8 (c) Section 1862 of title 28, United States Code, is
9 amended by inserting “or in the Court of International
10 Trade” immediately after “United States”.

11 **TITLE IV—COURT OF APPEALS FOR INTERNA-**
12 **TIONAL TRADE, PATENTS, AND TRADE-**
13 **MARKS**

14 **JURISDICTION OF THE COURT**

15 **SEC. 401.** (a)(1) Section 1541(a) of title 28, United
16 States Code, is amended to read as follows:

17 “(a) The Court of Appeals for International Trade, Pat-
18 ents, and Trademarks shall have exclusive jurisdiction of ap-
19 peals from all final decisions of the Court of International
20 Trade.”.

21 (2) Section 1541 of title 28, United States Code, is
22 amended by adding at the end thereof the following new sub-
23 section:

1 “(c) The Court of Appeals for International Trade, Pat-
 2 ents, and Trademarks shall have exclusive jurisdiction of ap-
 3 peals from interlocutory orders of the Court of International
 4 Trade granting, continuing, modifying, refusing, or dissolving
 5 injunctions, or refusing to dissolve or modify injunctions.”.

6 (b)(1) Section 1543 of title 28, United States Code, is
 7 amended to read as follows:

8 **“§ 1543. International Trade Commission determinations**

9 “The Court of Appeals for International Trade, Pat-
 10 ents, and Trademarks shall have jurisdiction to review the
 11 final determinations of the United States International Trade
 12 Commission made under section 337 of the Tariff Act of
 13 1930 relating to unfair trade practices in import trade.”.

14 (2) The item relating to section 1543 in the section
 15 analysis of chapter 93 of title 28, United States Code, is
 16 amended to read as follows:

“1543. International Trade Commission determinations.”.

17 **POWERS OF THE COURT**

18 SEC. 402. (a) Chapter 93 of title 28, United States
 19 Code, as amended by section 401 of this Act, is further
 20 amended by adding at the end thereof the following new
 21 section:

22 **“§ 1547. Powers in law and equity**

23 “The Court of Appeals for International Trade, Pat-
 24 ents, and Trademarks shall have all the powers in law and

1 equity of, or as conferred by statute upon, a court of appeals
2 of the United States.”.

3 (b) The section analysis of chapter 93 of title 28, United
4 States Code, as amended by section 401 of this Act, is fur-
5 ther amended by adding at the end thereof the following new
6 item:

“1547. Powers in law and equity.”.

7 COURT OF APPEALS FOR INTERNATIONAL TRADE,
8 PATENTS, AND TRADEMARKS PROCEDURE

9 SEC. 403. (a) Section 2601(a) of title 28, United States
10 Code, is amended by adding at the end thereof the following
11 new sentence: “If a timely notice of appeal is filed by a
12 party, any other party may file a notice of appeal within
13 fourteen days after the date on which the first notice of
14 appeal was filed.”.

15 (b) The first sentence of section 2601(b) of title 28,
16 United States Code, is amended—

17 (1) by inserting “or cross appeal” after “appeal”
18 each place it appears; and

19 (2) by striking out “which shall include a concise
20 statement of the errors complained of”.

21 (c) The third sentence of section 2601(b) of title 28,
22 United States Code, is amended by striking out “and the
23 Secretary of the Treasury or their designees” and inserting
24 in lieu thereof “and any named official”.

1 (d) Section 2601(c) of title 28, United States Code, is
2 amended by inserting immediately after the first sentence the
3 following new sentences: "Findings of fact shall not be set
4 aside unless clearly erroneous and due regard shall be given
5 to the opportunity of the Court of International Trade to
6 judge the credibility of the witnesses. A party may raise on
7 appeal the question of whether the findings of fact are clearly
8 erroneous, whether or not the party raising such question
9 made an objection to such findings in the Court of Interna-
10 tional Trade or made a motion to amend such findings."

11 (e)(1) Section 2602 of title 28, United States Code, is
12 amended to read as follows:

13 **"§ 2602. Precedence of cases**

14 "The following civil actions in the Court of Appeals for
15 International Trade, Patents, and Trademarks shall be given
16 precedence, in the following order, over other civil actions
17 pending before the court, and shall be assigned for hearing
18 and expedited in every way:

19 "(1) First, a civil action involving the exclusion of
20 perishable merchandise or the redelivery of such
21 merchandise.

22 "(2) Second, a civil action for the review of a de-
23 termination under section 516A(a)(1)(B) or section
24 516A(a)(1)(E) of the Tariff Act of 1930.

“(4) Fourth, a civil action commenced under section 516 or 516A of the Tariff Act of 1930, other than a civil action described in paragraph (2) of this section.

7 “(5) Fifth, an appeal from findings of the Secre-
8 tary of Commerce provided for in headnote 6 to sched-
9 ule 8, part 4, of the Tariff Schedules of the United
10 States (19 U.S.C. 1202).”.

(2) The item relating to section 2602 in the section analysis of chapter 167 of title 28, United States Code, is amended to read as follows:

14 RULES OF EVIDENCE

15 SEC. 404. (a) Chapter 167 of title 28, United States
16 Code, is amended by adding at the end thereof the following
17 new section:

18 “§ 2603. Rules of evidence

19 “Except as provided in section 2639 or 2641(b) of this
20 title or in the rules prescribed by the court, the Federal Rules
21 of Evidence shall apply in the Court of Appeals for Interna-
22 tional Trade, Patents, and Trademarks in any appeal from
23 the Court of International Trade.”.

1 (b) The section analysis of chapter 93 of title 28, United
 2 States Code, is amended by adding at the end thereof the
 3 following new item:

“2603. Rules of evidence.”.

4 JUDICIAL CONFERENCE

5 SEC. 405. (a) Chapter 167 of title 28, United States
 6 Code, as amended by section 404 of this Act, is further
 7 amended by adding at the end thereof the following new
 8 section:

9 “§ 2604. Judicial conference

10 “The chief judge of the Court of Appeals for Interna-
 11 tional Trade, Patents, and Trademarks is authorized to
 12 summon annually the judges of such court to a judicial con-
 13 ference, at a time and place that such chief judge designates,
 14 for the purpose of considering the business of such court and
 15 improvements in the administration of justice in such court.”.

16 (b) The section analysis of chapter 167 of title 28,
 17 United States Code, as amended by section 404 of this Act,
 18 is further amended by adding at the end thereof the following
 19 new item:

“2604. Judicial conference.”.

1 TITLE V—TECHNICAL AND CONFORMING
2 AMENDMENTS TO TITLE 28

3 SEC. 501. The following provisions of title 28, United
4 States Code, are amended by striking out “Customs Court”
5 and inserting in lieu thereof “Court of International Trade”:

6 (1) The item relating to chapter 11 in the chapter
7 analysis of part I.

8 (2) The chapter heading of chapter 11.

9 (3) Section 253(a).

10 (4) Section 254.

11 (5) Section 255(a).

12 (6) Section 257.

13 (7) Section 292(e).

14 (8) Section 293(c).

15 (9) Section 372 (a) and (b).

16 (10) Section 451.

17 (11) Section 456.

18 (12) Section 569(a).

19 (13) The item relating to chapter 55 in the chap-
20 ter analysis of part III.

21 (14) Section 605.

22 (15) Section 610.

23 (16) The chapter heading of chapter 55.

24 (17) Section 871.

25 (18) Section 872.

1 (19) Section 873.

2 (20) The item relating to chapter 95 in the chap-
3 ter analysis of part IV.

4 (21) Section 1340.

5 (22) The item relating to section 1541 in the sec-
6 tion analysis of chapter 93.

7 (23) The section heading for section 1541.

8 (24) Section 1541(b).

9 (25) The item relating to chapter 169 in the chap-
10 ter analysis of part VI.

11 (26) The item relating to section 2601 in the sec-
12 tion analysis of chapter 167.

13 (27) The section heading for section 2601.

14 (28) Section 2601 (a), (b), and (c).

15 SEC. 502. The following provisions of title 28, United
16 States Code, are amended by striking out “Court of Customs
17 and Patent Appeals” and inserting in lieu thereof “Court of
18 Appeals for International Trade, Patents, and Trademarks”:

19 (1) The item relating to chapter 9 in the chapter
20 analysis of part I.

21 (2) The chapter heading of chapter 9.

22 (3) Section 211.

23 (4) Section 212.

24 (5) Section 213.

25 (6) Section 214.

- 1 (7) Section 215.
- 2 (8) Section 216.
- 3 (9) Section 256(b).
- 4 (10) Section 291(b).
- 5 (11) Section 292(e).
- 6 (12) Section 293.
- 7 (13) Section 331.
- 8 (14) Section 372 (a) and (b).
- 9 (15) Section 451.
- 10 (16) Section 456.
- 11 (17) The item relating to chapter 53 in the chap-
12 ter analysis of part III.
- 13 (18) Section 610.
- 14 (19) The chapter heading of chapter 53.
- 15 (20) Section 831.
- 16 (21) Section 832.
- 17 (22) Section 833(a).
- 18 (23) Section 834.
- 19 (24) Section 957(b).
- 20 (25) The item relating to chapter 93 in the chap-
21 ter analysis of part IV.
- 22 (26) The item relating to section 1256 in the sec-
23 tion analysis of chapter 81.
- 24 (27) The section heading for section 1256.
- 25 (28) Section 1256.

1 (29) The chapter heading of chapter 93.

2 (30) Section 1541(b).

3 (31) Section 1542.

4 (32) Section 1544.

5 (33) Section 1545.

6 (34) The item relating to section 1926 in the sec-
7 tion analysis of chapter 123.

8 (35) The section heading for section 1926.

9 (36) Section 1926.

10 (37) The item relating to chapter 167 in the chap-
11 ter analysis of part VI.

12 (38) The chapter heading of chapter 167.

13 (39) Section 2601 (a), (b), and (c).

14 (40) Section 2602(a).

15 SEC. 503. Section 252 of title 28, United States Code,
16 is amended by striking out "Judge of the Customs Court"
17 and inserting "Judges of the Court of International Trade"
18 in lieu thereof.

19 SEC. 504. Section 518(a) of title 28, United States
20 Code, is amended by inserting "and in the Court of Interna-
21 tional Trade" immediately after "Claims".

22 SEC. 505. Section 751 of title 28, United States Code,
23 is amended by adding at the end thereof the following new
24 subsection:

1 “(f) When the Court of International Trade is sitting in
2 a judicial district, other than the Southern District or Eastern
3 District of New York, the clerk of the district court of such
4 judicial district or an authorized deputy clerk, upon the re-
5 quest of the chief judge of the Court of International Trade
6 and with the approval of such district court, shall act in the
7 district as clerk of the Court of International Trade, as pre-
8 scribed by the rules and orders of the Court of International
9 Trade for all purposes relating to the civil action then pend-
10 ing before such court.”.

11 SEC. 506. Section 1337 of title 28, United States Code,
12 is amended by adding at the end thereof the following new
13 subsection:

14 “(c) The district courts shall not have jurisdiction under
15 this section of any matter within the exclusive jurisdiction of
16 the Court of International Trade under chapter 95 of this
17 title.”.

18 SEC. 507. Section 1352 of title 28, United States Code,
19 is amended by inserting before the period at the end thereof
20 the following: “, except matters within the jurisdiction of the
21 Court of International Trade under section 1582 of this
22 title”.

23 SEC. 508. Section 1355 of title 28, United States Code,
24 is amended by inserting before the period at the end thereof
25 the following: “, except matters within the jurisdiction of the

1 Court of International Trade under section 1582 of this
2 title”.

3 SEC. 509. Section 1356 of title 28, United States Code,
4 is amended by inserting before the period at the end thereof
5 the following: “, except matters within the jurisdiction of the
6 Court of International Trade under section 1582 of this
7 title”.

8 SEC. 510. The second paragraph of section 1491 of title
9 28, United States Code, is amended by striking out “in
10 suits” and inserting “of any civil action within the exclusive
11 jurisdiction of the Court of International Trade, or of any
12 action” in lieu thereof.

13 SEC. 511. Section 1919 of title 28, United States Code,
14 is amended by inserting “or the Court of International
15 Trade” after “court” the first place it appears.

16 SEC. 512. (a) Chapter 125 of title 28, United States
17 Code, is amended by inserting immediately after section
18 1963 the following new section:

19 **“§ 1963A. Registration of judgments of the Court of Inter-**
20 **national Trade**

21 “(a) A judgment in any civil action for the recovery of
22 money or property entered by the Court of International
23 Trade which has become final by appeal or expiration of time
24 for appeal may be registered in any judicial district by filing a
25 certified copy of such judgment. A judgment so registered

1 shall have the same effect as a judgment of the district court
 2 of the district where registered and may be enforced in like
 3 manner.

4 “(b) A certified copy of the satisfaction of any judgment
 5 in whole or in part may be registered in like manner in any
 6 district in which the judgment is a lien.”.

7 (b) The section analysis of chapter 125 of title 28,
 8 United States Code, is amended by inserting immediately
 9 after the item relating to section 1963 the following new
 10 item:

“1963A. Registration of judgments of the Court of International Trade.”.

11 SEC. 513. The first paragraph of section 2414 of title
 12 28, United States Code, is amended by inserting “or the
 13 Court of International Trade” immediately after “court” in
 14 the first sentence.

15 TITLE VI—TECHNICAL AND CONFORMING 16 AMENDMENTS TO OTHER ACTS

17 SEC. 601. The following provisions of law are amended
 18 by striking out “Customs Court” and inserting in lieu thereof
 19 “Court of International Trade”:

20 (1) Section 6001 of title 18, United States Code.

21 (2) Section 305 of the Tariff Act of 1930 (19
 22 U.S.C. 1305).

23 (3) Section 337(c) of the Tariff Act of 1930 (19
 24 U.S.C. 1337(c)).

1 (4) Section 502(b) of the Tariff Act of 1930 (19
2 U.S.C. 1502(b)).

3 (5) Section 503 of the Tariff Act of 1930 (19
4 U.S.C. 1503).

5 (6) Section 514(a) and (b) of the Tariff Act of
6 1930 (19 U.S.C. 1514(a) and (b)).

7 (7) Section 516(d) of the Tariff Act of 1930 (19
8 U.S.C. 1516(d)).

9 (8) Section 516A(a), (c), (d), and (e) of the Tariff
10 Act of 1930 (19 U.S.C. 1516A(a), (c), (d), and (e)).

11 (9) Section 528 of the Tariff Act of 1930 (19
12 U.S.C. 1528).

13 (10) Section 7443(d) of the Internal Revenue
14 Code of 1954.

15 (11) Section 906 of title 44, United States Code.

16 SEC. 602. The following provisions of law are amended
17 by striking out "Court of Customs and Patents Appeals" and
18 inserting in lieu thereof "Court of Appeals for International
19 Trade, Patents, and Trademarks":

20 (1) Section 71 of the Act of December 24, 1970
21 (7 U.S.C. 2461).

22 (2) Section 21(a) and (b) of the Trademark Act of
23 1946 (15 U.S.C. 1071(a) and (b)).

24 (3) Section 6001 of title 18, United States Code.

1 (4) Section 337(c) of the Tariff Act of 1930 (19
2 U.S.C. 1337(c)).

3 (5) Section 516 of the Tariff Act of 1930 (19
4 U.S.C. 1516).

5 (6) Section 516A(e) of the Tariff Act of 1930 (19
6 U.S.C. 1516A(e)).

7 (7) Section 528 of the Tariff Act of 1930 (19
8 U.S.C. 1528).

9 (8) The item relating to section 141 in the section
10 analysis of chapter 13 of title 35, United States Code.

11 (9) Section 141 of title 35, United States Code.

12 (10) Section 142 of title 35, United States Code.

13 (11) Section 143 of title 35, United States Code.

14 (12) Section 144 of title 35, United States Code.

15 (13) Section 145 of title 35, United States Code.

16 (14) Section 146 of title 35, United States Code.

17 (15) Section 152 of the Atomic Energy Act of
18 1954 (42 U.S.C. 2182).

19 (16) Section 305(d) of the National Aeronautics
20 and Space Act of 1958 (42 U.S.C. 2457(d)).

21 (17) Section 906 of title 44, United States Code.

22 SEC. 603. Section 337(c) of the Tariff Act of 1930 (19
23 U.S.C. 1337(c)) is amended—

(1) by inserting “for review in accordance with chapter 7 of title 5, United States Code” immediately before the period at the end of the fourth sentence; and

(2) by striking out the last sentence and inserting in lieu thereof the following new sentence: “Notwithstanding the foregoing provisions of this subsection, Commission determinations under subsections (d), (e), and (f) with respect to its findings on the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, the amount and nature of bond, or the appropriate remedy shall be reviewable in accordance with section 706 of title 5, United States Code.”.

SEC. 604. (a) Section 514(a)(4) of the Tariff Act of 1930 (19 U.S.C. 1514(a)(4)) is amended to read as follows:

“(4) the exclusion of merchandise from entry or delivery or a demand for redelivery to customs custody under any provision of the customs laws, except a determination appealable under section 337 of this Act;”.

(b) Section 514(a) of the Tariff Act of 1930 (19 U.S.C. 1514(a)) is further amended by striking out “section 2632 of title 28 of the United States Code within the time prescribed by section 2631” and inserting “chapter 169 of title 28 of

1 the United States Code within the time prescribed by section
2 2636” in lieu thereof.

3 SEC. 605. Section 515(b) of the Tariff Act of 1930 (19
4 U.S.C. 1515(b)) is amended by striking out “section 1582”
5 and inserting “section 1581” in lieu thereof.

6 SEC. 606. Section 516(d) of the Tariff Act of 1930 (19
7 U.S.C. 1516(d) is amended by striking out “section 2632”
8 and inserting in lieu thereof “chapter 169”.

9 SEC. 607. (a) Section 516A(c)(2) of the Tariff Act of
10 1930 (19 U.S.C. 1516A(c)(2)) is amended by striking out the
11 second sentence.

12 (b) The second sentence of section 516A(d) of the Tariff
13 Act of 1930 (19 U.S.C. 1516A(d)) is amended to read as
14 follows: “The party filing the action shall notify all such in-
15 terested parties of the filing of an action under this section, in
16 the form, manner, style, and within the time prescribed by
17 rules of the court.”.

18 SEC. 608. Section 592(e) of the Tariff Act of 1930 (19
19 U.S.C. 1592(e)) is amended by striking out “(e) DISTRICT
20 COURT PROCEEDINGS.—” and all that follows through
21 “under this section—” and inserting in lieu thereof the
22 following:

23 “(e) COURT OF INTERNATIONAL TRADE PROCEED-
24 INGS.—Notwithstanding any other provision of law, in any
25 proceeding commenced by the United States in the Court of

1 International Trade for the recovery of any monetary penalty
2 claimed under this section—”.

3 SEC. 609. Section 604 of the Tariff Act of 1930 (19
4 U.S.C. 1604) is amended—

5 (1) by striking out “every United States district
6 attorney” and inserting “the Attorney General of the
7 United States” in lieu thereof;

8 (2) by inserting “or the Court of International
9 Trade” immediately after “district court”; and

10 (3) by striking out “such district attorney” and in-
11 serting “the Attorney General” in lieu thereof.

12 SEC. 610. (a) The second sentence of the second para-
13 graph of section 641(b) of the Tariff Act of 1930 (19 U.S.C.
14 1641(b)) is amended by striking out “in the circuit court” and
15 all that follows through “District of Columbia” and inserting
16 “in the Court of International Trade” in lieu thereof.

17 (b) Section 641(b) of the Tariff Act of 1930 (19 U.S.C.
18 1641(b)) is amended by striking out the next to last sentence
19 of the second paragraph.

20 SEC. 611. (a) Section 250(a) of the Trade Act of 1974
21 (19 U.S.C. 2322(a)) is amended by striking out “court of
22 appeals” and all that follows through “District of Columbia
23 Circuit” and inserting “Court of International Trade” in lieu
24 thereof.

1 (b)(1) Section 250(c) of the Trade Act of 1974 (19
2 U.S.C. 2322(c)) is amended by inserting immediately after
3 the first sentence the following new sentence: “The judgment
4 of the Court of International Trade shall be subject to review
5 by the United States Court of Appeals for International
6 Trade, Patents, and Trademarks as prescribed by the rules of
7 such court.”.

8 (2) Section 250(c) of the Trade Act of 1974 (19 U.S.C.
9 2322(c)) is further amended by striking out “court” the
10 second place it appears and inserting “Court of Appeals for
11 International Trade, Patents, and Trademarks” in lieu there-
12 of.

13 TITLE VII—EFFECTIVE DATES AND 14 MISCELLANEOUS PROVISIONS

15 EFFECTIVE DATES

16 SEC. 701. (a) Except as otherwise provided in this sec-
17 tion, the amendments made by this Act shall take effect on
18 the date of the enactment of this Act and shall apply with
19 respect to civil actions pending on or commenced on or after
20 such date of enactment.

21 (b)(1) The following sections of title 28, United States
22 Code, shall apply with respect to civil actions commenced on
23 or after the date of the enactment of this Act:

24 (A) Sections 1581(d), 1581(g), 1581(h), 1581(i),
25 and 1583, as amended by section 201(a) of this Act.

1 (B) Sections 2631(f), 2631(g), 2631(h), 2631(i),
2 2632(a), 2635, 2636, 2637(c), 2639(b), 2640(a)(5),
3 2640(c), 2640(d), 2643(a), 2643(c)(2), 2643(c)(4), and
4 2644, as amended by section 301(b) of this Act.

5 (C) Section 1876, as added by section 302(a) of
6 this Act.

7 (D) Sections 2601 and 2602, as amended by sec-
8 tion 403 of this Act.

9 (E) Sections 1919 and 1963A, as amended by
10 sections 511 and 512 of this Act.

11 (2) Sections 337(c) and 641(b) of the Tariff Act of 1930
12 and section 250(a) and 250(c) of the Trade Act of 1974, as
13 amended by sections 603, 610, and 611 of this Act, shall
14 apply with respect to civil actions commenced on or after the
15 date of the enactment of this Act.

16 (c)(1) The following sections of title 28, United States
17 Code, shall apply with respect to civil actions commenced on
18 or after the 90th day after the date of the enactment of this
19 Act:

20 (A) Sections 1582, 2639(a)(2), and 2640(a)(6), as
21 amended by sections 201(a) and 301(a) of this Act.

22 (B) Sections 1352, 1355, and 1356, as amended
23 by sections 507, 508, and 509 of this Act.

24 (2) Section 592(e) of the Tariff Act of 1930, as amended
25 by section 608 of this Act, shall apply with respect to civil

1 actions commenced on or after the 90th day after the date of
2 the enactment of this Act.

3 (d) Section 2604 of title 28, United States Code, as
4 added by section 405(a) of this Act, shall take effect on Octo-
5 ber 1, 1980.

6 **TREATMENT OF REFERENCES**

7 **SEC. 702.** Any reference in any statute or regulation of
8 the United States to the United States Customs Court, the
9 U.S. Customs Court, or the Customs Court shall be deemed
10 to be a reference to the United States Court of International
11 Trade, and any reference in any such statute or regulation to
12 the United States Court of Customs and Patent Appeals, the
13 U.S. Court of Customs and Patent Appeals, or the Court of
14 Customs and Patent Appeals shall be deemed to be a refer-
15 ence to the United States Court of Appeals for International
16 Trade, Patents, and Trademarks.

17 **EFFECT ON CUSTOMS COURT JUDGES**

18 **SEC. 703.** (a) Except as provided in subsection (b) of
19 this section, the amendments made by title I of this Act shall
20 not affect the status of any individual serving as judge or
21 chief judge of the Customs Court on the date of enactment of
22 this Act.

23 (b) The requirement that a person may not continue to
24 serve as chief judge of the Court of International Trade after
25 having reached the age of seventy years, as set forth in the

1 amendment made by section 101 of this Act, shall apply to
2 any individual serving as chief judge on or after the date of
3 enactment of this Act.

4 EFFECT ON PENDING CASES

5 SEC. 704. Nothing in this Act shall cause the dismissal
6 of any action commenced prior to the date of enactment of
7 this Act under jurisdictional statutes relating to the Customs
8 Court or the Court of Customs and Patent Appeals in effect
9 before such date of enactment.

